

MONTANA LEGISLATIVE HISTORY

BEST COPY
AVAILABLE

Chapter 340 19 89

Bill H 419 S _____ Original bill & history ☒ c

H. Committee on Highways & Transportation S. Committee on Highways & Transportation

Hearing Date(s) Feb 09 ☒ c

Hearing Date(s) Mar 09 ☒ c

_____ ☐ c

_____ ☐ c

_____ ☐ c

_____ ☐ c

_____ ☐ c

_____ ☐ c

Date Out Feb 08 ☒ c

Mar 09 ☒ c

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

HOUSE FINAL STATUS

RETURNED TO HOUSE
 3/13 SIGNED BY SPEAKER
 3/14 SIGNED BY PRESIDENT
 3/14 TRANSMITTED TO GOVERNOR
 3/18 SIGNED BY GOVERNOR
 CHAPTER NUMBER 149 EFFECTIVE DATE: 3/18/89

HB 418 INTRODUCED BY KOEHNKE, ET AL.
 LIMIT EXPENDITURE OF BED TAX MONEY TO BUSINESSES
 SUBJECT TO MONTANA TAXES

1/25 INTRODUCED
 1/26 REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT
 2/02 HEARING
 2/14 TABLED IN COMMITTEE

HB 419 INTRODUCED BY KOEHNKE, ET AL.
 ALLOW OVERSIZE LOADS FOR CERTAIN HAY-HAULING
 VEHICLES

1/25 INTRODUCED
 1/26 REFERRED TO HIGHWAYS & TRANSPORTATION
 1/26 FISCAL NOTE REQUESTED
 2/01 FISCAL NOTE RECEIVED
 2/03 FISCAL NOTE PRINTED
 2/07 HEARING
 2/08 COMMITTEE REPORT--BILL PASSED AS AMENDED
 2/11 2ND READING PASSED 91 2
 2/14 3RD READING PASSED 92 3

TRANSMITTED TO SENATE
 2/15 REFERRED TO HIGHWAYS & TRANSPORTATION
 3/09 HEARING
 3/09 COMMITTEE REPORT--BILL CONCURRED
 3/10 2ND READING CONCURRED 47 0
 3/13 3RD READING CONCURRED 47 1

RETURNED TO HOUSE
 3/21 SIGNED BY SPEAKER
 3/22 SIGNED BY PRESIDENT
 3/22 TRANSMITTED TO GOVERNOR
 3/27 SIGNED BY GOVERNOR
 CHAPTER NUMBER 340 EFFECTIVE DATE: 3/27/89

HB 420 INTRODUCED BY KOEHNKE, ET AL.
 EXTEND THE TAX INCENTIVE FOR ALCOHOL USED IN
 GASOHOL

1/25 INTRODUCED
 1/26 REFERRED TO TAXATION
 1/27 FISCAL NOTE REQUESTED
 2/03 HEARING
 2/03 FISCAL NOTE RECEIVED
 2/03 FISCAL NOTE PRINTED
 2/28 COMMITTEE REPORT--BILL PASSED AS AMENDED
 3/02 2ND READING PASSED 86 7
 3/04 3RD READING PASSED 80 11

TRANSMITTED TO SENATE

HOUSE BILL NO. 419

INTRODUCED BY KOEHNKE, WESTLAKE, HANSON, DEMARS

IN THE HOUSE

JANUARY 25, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
JANUARY 26, 1989	FIRST READING.
FEBRUARY 8, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 9, 1989	PRINTING REPORT.
FEBRUARY 11, 1989	SECOND READING, DO PASS.
FEBRUARY 13, 1989	ENGROSSING REPORT.
FEBRUARY 14, 1989	THIRD READING, PASSED. AYES, 92; NOES, 3.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 15, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
MARCH 9, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 10, 1989	SECOND READING, CONCURRED IN.
MARCH 13, 1989	THIRD READING, CONCURRED IN. AYES, 47; NOES, 1.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 14, 1989	RECEIVED FROM SENATE.
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SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 419
2 INTRODUCED BY Boehnk
3 Weidake McGinnis McNair

4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING CERTAIN
5 COMMERCIAL VEHICLES HAULING HAY TO CARRY OVERSIZE LOADS;
6 AMENDING SECTION 61-10-102, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 **Section 1.** Section 61-10-102, MCA, is amended to read:

10 "61-10-102. Width. (1) No Except as provided in
11 subsection (2), no vehicle, including a bus, unloaded or
12 with load, may have a total outside width in excess of 102
13 inches. This width for buses is allowed only on paved
14 highways 20 feet or more in width.

15 (2) (a) This restriction Subsection (1) does not apply
16 to an implement of husbandry or a vehicle used for hauling
17 hay, moved or propelled upon the highway during daylight
18 hours for a distance of not more than 100 miles if the
19 movement is incidental to the farming operations of the
20 owner of the implement of husbandry or the vehicle used for
21 hauling hay. If the implement or vehicle has a width in
22 excess of is more than 12 feet wide, it shall must be
23 preceded by flagman escorts for the purpose of warning to
24 warn other highway users. This restriction does not apply to
25 dual-wheel tractors under 15 feet overall width which that

1 are used in farming operations. The Lights which meet the
2 requirements of 61-9-219(4) must be displayed on the rear of
3 the implement of husbandry or vehicle used for hauling hay
4 shall properly display lights which meet the standard
5 requirements of 61-9-219. However, if the highway passes
6 through a hazardous area, the implements or vehicles must be
7 preceded and followed by flagman escorts.

8 (b) A commercial vehicle that is hauling hay but does
9 not qualify under subsection (2)(a) must be granted a permit
10 subject to the provisions of 61-10-121 through 61-10-127 and
11 the following requirements:

12 (i) travel during daylight hours only for an oversize
13 shipment of large round bales of hay, whether the vehicle is
14 loaded or with an empty hay rack, up to 144 inches; when
15 empty, a square red or orange flag measuring 12 inches on
16 each side must be attached to each corner of the hay rack;
17 and

18 (ii) travel day or night for any other shipment of
19 baled hay, whether the vehicle is loaded or with an empty
20 hay rack, up to 120 inches.

21 (3) A safety device that the highway patrol division
22 department determines by rule adopted pursuant to 61-9-504
23 to be necessary for safe and efficient operation of motor
24 vehicles is not included in the calculation of width
25 provided in subsection (1)."

LC 1187/01

1 NEW SECTION. **Section 2.** Extension of authority. Any
2 existing authority to make rules on the subject of the
3 provisions of [this act] is extended to the provisions of
4 [this act].

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB419, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act allowing certain commercial vehicles hauling hay to carry oversize loads; amending section 61-10-102, MCA.

FISCAL IMPACT: None.

Ray Shackleford 2/1/89
RAY SHACKLEFORD, BUDGET DIRECTOR DATE
OFFICE OF BUDGET AND PROGRAM PLANNING

Francis Koehnke 2/2/89
FRANCIS KOEHNKE, PRIMARY SPONSOR DATE

Fiscal Note for HB419, as introduced

HB 419

authority granted the Dept. of Highways would not be unreasonable.

HEARING ON HOUSE BILL 419

Presentation and Opening Statement by Sponsor:

Rep. Koehnke, House District 32, opened stating his bill concerns hayhaulers. Rep. Koehnke stated the reason for this bill is because of new equipment that is being used makes longer bales than what they used to be and they make a hayload wider than the 9' that is allowed under current law. Rep. Koehnke stated the language for the round bales has already become law. Rep. Koehnke stated that the hayhaulers want 120 inches allowable. Rep. Koehnke stated he has spoken with the Highway Dept. and they will have an amendment for this bill.

Testifying Proponents and Who They Represent:

Rod Kitto, Townsend, Hay and grain producer
John Hahn, Townsend, Truck Driver

Proponent Testimony:

Mr. Kitto stated as a grain hauler and producer and on behalf of his community are in favor of this bill. Mr. Kitto stated this bill would allow small square bales to be 10 feet wide. Mr. Kitto stated they prefer to haul their bales in a arrangement that is described on exhibit 2. See Exhibit 2.

Mr. Hahn stated the amendment that Rep. Koehnke introduced is acceptable for his company. Mr. Hahn stated as with all trucking companies, extra freight means extra income, and hay haulers charge by the delivered ton and would like to be able to haul up to gross which is 80,000 lbs. Mr. Hahn stated a average 48" bale weighs 90 lbs. loaded on a average 45' semi trailer using no rail bales, you can only haul 426 bales a load which comes out to be 19.7 tons. The same stack with rail bales average 510 bales per load averages 22.95 tons. The freight difference using an average 20 ton freight bill is \$75.60 and stated that was enough to buy 3/4 of the fuel on a four hundred mile round trip.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Noponent: Jess Munro, Acting Dir. Dept. of Highways

Testimony: Mr. Munro stated they are not for nor against this bill, but have some amendments to offer to the bill: 1) Mr. Munro stated this will help clear the language by removing the word "must" and insert the word "may". Mr. Munro stated this will allow the Dept. of Highways to be consistent with all their GVW laws. Mr. Munro stated if the word "must" is in there the dept. has a trouble with federal law because permits are to be discretionary and the word "must" overrules the federal law. 2) On page 2, line 20, strike 120" and insert 114". Mr. Munro stated this would allow the hay haulers to haul 9½ foot loads 24 hours a day.

Questions From Committee Members: Rep. Stang asked Mr. Munro if this bill was for short hauls only. Mr. Munro stated it is statewide, but they would have to have a permit because of being in excess of the 8½ foot federal width law. Rep. Stang asked Mr. Munro if it would affect the weight for the bridge formula if they were overweight? Mr. Munro stated this bill only applies for the width, and if they are overweight they will be ticketed.

Rep. Steppler asked Mr. Munro what the reason is for changing the width from 120" to 114"? Mr. Munro replied they have never allowed 10 foot wide reducible loads on the road and there are a lot of highways in Montana that are not fit for those kinds of loads.

Rep. Stang asked Mr. Munro if loggers were to come in and want 9½ foot bunks on their trucks by special permit where would that put the highway dept.? Mr. Munro replied that if the Committee passes this bill, they would have a hard time saying no, but at this time the loggers are allowed 9 foot bunks.

Rep. Stang asked Rep. Koehnke if the effective date needed to be added in this? Rep. Koehnke replied he needed it upon passage and approval and the reason is, so the haulers would be able to use it as soon as possible because they haul hay every month of the year.

Closing by Sponsor: Rep. Koehnke closed stating the haulers will accept the 114" by the Dept. of Highways and the haulers ask for the Committee's support of this bill.

HEARING ON HOUSE BILL 162

The hearing on HB 162 was heard earlier in Committee, but Rep. Stang had asked at that time of the hearing if someone could come back in to the Committee with this information. While in between bills Mr. Galt gave this information:

Dave Galt, Assist. Enforcement Bureau Chief, spoke to the Committee regarding HB 162 that had been heard in Committee on Jan. 26, 1989. Rep. Stang asked Mr. Galt if he would go on to say if the loggers were to fall under the

HOUSE COMMITTEE ON HIGHWAYS AND TRANSPORTATION

February 7, 1989

Page 8 of 8

Motion: Rep. Campbell moved to adopt HB 467 for a DO PASS.

Discussion: None

Amendments, Discussion, and Votes: None

Recommendation and Vote: Rep. Roth called the question. The motion CARRIED unanimously to DO PASS.

DISPOSITION OF HOUSE BILL 506

Motion: Rep. Roth moved to TABLE HB 506

Discussion: None

Amendments, Discussion, and Votes: None

Recommendation and Vote: The motion CARRIED unanimously to TABLE HB 506. Rep. Bachini, Rep. Stang and Rep. O'Connell voted no.

DISPOSITION OF HOUSE BILL 419

Motion: Rep. Campbell moved to adopt HB 419

Discussion: None

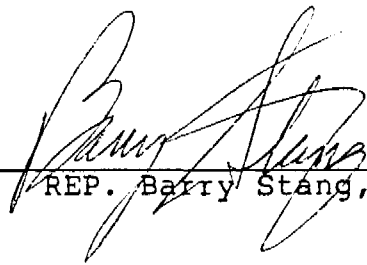
Amendments, Discussion, and Votes: Rep. Campbell moved to adopt all of the amendments. Rep. O'Connell called the question. All Committee Members voting aye.

Recommendation and Vote: Rep. Campbell moved to adopt HB 419 as amended. Rep. Bachini called the question. The motion CARRIED unanimously to DO PASS AS AMENDED. Rep. Stang, Rep. Stepler and Rep. Roth voted no.

There being no further business the Committee was adjourned.

ADJOURNMENT

Adjournment At: 5:00 p.m.



REP. Barry Stang, Chairman

BS/cj

3206.min

DAILY ROLL CALL

HIGHWAYS AND TRANSPORTATION COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date February 7, 1989

[illegible]

STANDING COMMITTEE REPORT

February 8, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 419 (first reading copy -- white) do pass as amended .

Signed: _____
Barry Stang, Chairman

And, that such amendments read:

1. Title, line 6.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2, line 9.

Strike: "must"

Insert: "may"

3. Page 2, line 20.

Strike: "120"

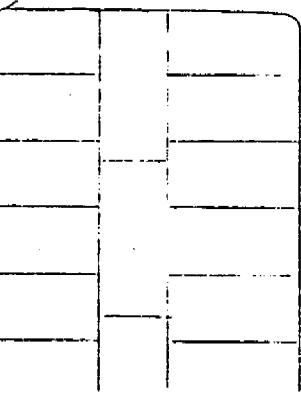
Insert: "114"

4. Page 3, line 5.

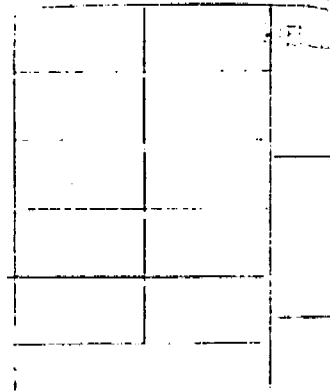
Following: line 4

Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

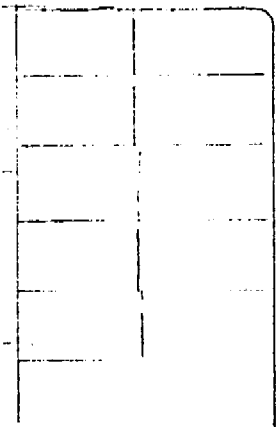
EXHIBIT 2
 DATE 2-07-09
 419



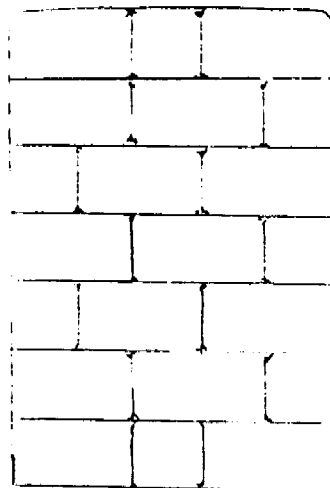
LAYER 1 WITH "RAIL"
 RAIL IN CENTER



LAYER 2 WITH "RAIL"
 RAIL ON RIGHT SIDE



LAYER 3 WITH "RAIL"
 RAIL ON LEFT SIDE



END VIEW OF LOAD
 OF HAY

HB 419

HB 419

2/7/89

AMENDMENTS TO HOUSE BILL NO. 419

Page 2, line 9

Following: "subsection (2)(a)"

Strike: "must"

Insert: "may"

Page 2, line 20

Following: "hay rack, up to"

Strike: "120"

Insert: "114"

VISITORS' REGISTER

Highways & Transportation COMMITTEE

DATE Feb 7

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

MINUTES

MONTANA SENATE 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: By CHAIRMAN TVEIT, on March 9, 1989, at 1:00 p.m. in Room 410 of the State Capitol.

ROLL CALL

Members Present: SENATORS: Larry Tveit, Darryl Meyer, Hubert Abrams, Bill Farrell, John Harp, Jerry Noble, Lawrence Stimatz, Cecil Weeding, Bob Williams

Members Excused: None

Members Absent: None

Staff Present: Lee Heiman, Legislative Council

Announcements/Discussion: CHAIRMAN TVEIT announced the hearings on House Bill 419 and House Bill 467.

HEARING ON HOUSE BILL 419

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE FRANCIS KOEHNKE, District 32 explained to the Committee that this bill was requested because the bails are longer. The Highway Department has approved this.

List of Testifying Proponents and What Group they Represent:

John Hahn, MRAMA, Hahn Ranch Trucking
Kay Norenberg, WIFE, MT Ag. Coalition

List of Testifying Opponents and What Group They Represent:

None

Testimony:

JOHN HAHN representing Missouri River Agriculture Market Association gave his testimony in support of House Bill 419 and also turned in written testimony for Rod Kitto. SEE EXHIBIT 1. He gave the Committee members a diagram of bail arrangements. SEE EXHIBIT 1A. As far as the trucking industry, any extra freight means extra money.

KAY NORENBURG representing WIFE (Women In Farm Economics) and MT Ag Coalition expressed their support for House Bill 419.

List of Those Testifying Who Were Neutral:

Jesse Munro, Acting Director for the Highway Department

Testimony:

JESSE MUNRO, Acting Director for the Highway Department stated that they do not have a position on this bill. He explained that this bill would put into law what they have been doing by policy since the drought began in 1981. A policy was established to let these larger loads go. The reason why they held the width for 24 hr travel, is because they have had numerous segments of the trucking industry requesting 10 foot wide loads which are traveling day and night.

Questions From Committee Members: SENATOR WILLIAMS asked about page 2, line 21 if they were cutting the width from 120 to 114 inches.

JESSE MUNRO answered saying that what they are doing with regard to the rectangular bails is holding them to nine and one half feet so that they won't have to cut down on their rack. This is an increase of 6 inches compared to what they have had in the past.

Closing by Sponsor: REPRESENTATIVE KOEHNKE closed the hearing on House Bill 419.

DISPOSITION OF HOUSE BILL 419

Discussion: SENATOR WEEDING will carry the bill.

Amendments and Votes: None

Recommendation and Vote: SENATOR WEEDING MOVED that House Bill 419 BE CONCURRED IN.

MOTION PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL 394

Discussion: SENATOR NOBLE stated the fact was brought out that the existing method works fine. Also, doubling the fee from \$2 to \$4, he felt was excessive.

BOB ROBINSON from the Department of Motor Vehicles stated that doing this would generate approximately \$713,000 per year. This bill would not change anything as far as the information that is provided.

SENATOR MEYER will carry the bill.

Amendments and Votes: SENATOR FARRELL MOVED to amend House Bill 394 on page 2, line 3 strike "\$4" and insert "\$2".
SEE EXHIBIT 2.

MOTION PASSED on a 5-4 ROLL CALL VOTE with SENATORS: MEYER, WEEDING, HARP and WILLIAMS OPPOSING.

Recommendation and Vote: SENATOR FARRELL MOVED that HOUSE BILL 394 BE CONCURRED IN AS AMENDED.

MOTION PASSED with SENATOR WILLIAMS AND SENATOR WEEDING OPPOSING.

HEARING ON HOUSE BILL 467

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE VIVIAN BROOKE, District 56 explained that House Bill 467 was brought to her attention by the Office of Public Instruction. It amends section 20-10-103 dealing with school bus driver qualifications.

List of Testifying Proponents and What Group they Represent:

Terry Brown, People Transportation Safety Specialist
for the Office of Public Instruction
Claudette Morton, Board of Public Education

List of Testifying Opponents and What Group They Represent:

ROLL CALL

HIGHWAY

COMMITTEE

DATE March 9, 1989

51st

LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
CHAIRMAN TVEIT	✓		
VICE CHAIRMAN MEYER	✓		
SENATOR ABRAMS	✓		
SENATOR FARRELL	✓		
SENATOR WEEDING	✓		
SENATOR NOBLE	✓		
SENATOR STIMATZ	✓		
SENATOR HARP	✓		
SENATOR WILLIAMS	✓		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

March 9, 1989

MR. PRESIDENT:

We, your committee on Highways and Transportation, having had under consideration HB 419 (third reading copy -- blue), respectfully report that HB 419 be concurred in.

Sponsor: Koehnke (Weeding)

BE CONCURRED IN

Signed: *Larry J. Tveit*
Larry J. Tveit, Chairman

Handwritten:
J.C. 3/14/89
2:00 PM

HOUSE BILL No. 419

I'm Rod Kitto, a hay and grain producer in Broadwater County. I'm one of a number of hay producers in the Townsend area who sell and haul hay. We are very interested in the passage of this bill. You would understand that for a number of other related reasons, only a couple of us could attend this meeting.

I thank Representative Koehnke for sponsoring this important bill which, if passed, will allow small square bales of hay to be transported in load up to 10 feet wide. Present loads of small square hay bales are restricted to a 9 foot width.

We prefer to haul small square bales in the arrangement shown on the diagram. You will notice that each layer of bales is arranged to compliment layers above and below in an interlocking arrangement.

A load of small square bales is safer when built with this arrangement because the interlocking layers hold the load together.

Our problem with the present law was created by a machine that stacks bales in the field at harvest time. This machine works best with a bale that is approximately 48 inches long. Most bales are 18 inches wide. Using the load described by the diagram with these 48 inch bales produces a load that is approximately 9 feet 6 inches wide. Bales will often vary in length by two inches. This load can be almost 10 feet wide where an occasional long bale would protrude slightly from the load.

It is to utilize this safer interlocking type of load with 48 inch small square bales that we recommend passage of this bill.

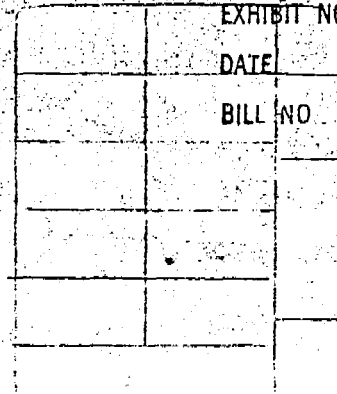
Rod Kitto

SENATE HIGHWAYS

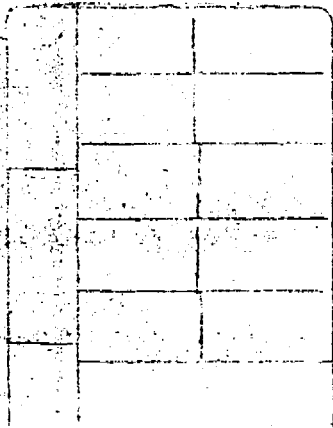
EXHIBIT NO. 1A
 DATE 3-9-89
 BILL NO. HB 419



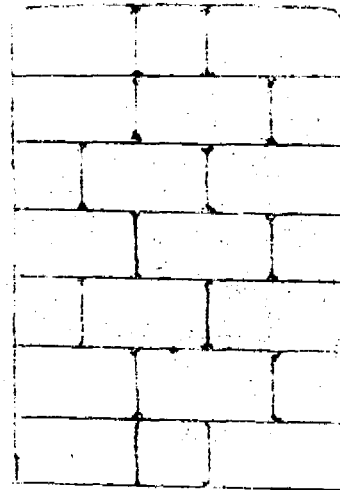
LAYER 1 WITH "RAIL"
 BALE IN CENTER



LAYER 2 WITH "RAIL"
 BALE ON RIGHT SIDE



LAYER 3 WITH "RAIL"
 BALE ON LEFT SIDE



END VIEW OF LOAD
 OF HAY

DATE MARCH 9, 1989

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)